



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,445	08/09/2001	Thomas D. Petite	081607-1160	2604
24504	7590	04/08/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			HABTE, ZEWDU	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,445

Applicant(s)

PETITE ET AL.

Examiner

Zewdu Habte

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 18, 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 923 6-14-02
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Claim Objections

1. In claim 13 is objected to because of the following informalities:

In claim 13, line 1, "a wide are a" should be changed to – a wide area–.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,5-8 and 11-13,15-17 are rejected under 35 U.S.C. 102(b) as being unpatentable by Canada et al. (US 6201514 B1).

As to claim 1, Canada discloses a command station 6 (a cite controller) transmitting commands to a plurality of machine monitors 4 (a plurality of remote devices) in a wireless machine monitoring system illustrated in Fig. 1 (automated monitoring system) (col. 2, lines 58-52). The wireless machine monitoring system transmits command and information to machine monitors 4, that are initiated by command station 6 (col. 6, lines 58-65). The command station 6 transfers data and information regarding machine monitor 4 directly to a PC network 10 (host computer adapted to communicate with the site controller via a communication network) (col. 10, lines 11-20).

The system includes programmable transceiver devices (plurality of transceivers) (col. 4, line 27-35). Unique identifying code information (unique identifiers) is included in devices during system setup or when adding new devices (col. 13, lines 13-45).

Canada discloses master repeater 8m, repeater 8c, and machine monitor 4, which can be considered transceivers (each of plurality of transceivers) (col. 4, lines 27-35); and each of the plurality transceivers is configured to receive commands (col. 4, lines 4-26). Canada teaches how a sensor message transmits and receives by command station 6 for the system in Fig. 1 (a wireless communication network) (col. 9, lines 30-60).

As illustrated in Fig. 8, a plurality of repeaters 8 have unique identifying code information (unique identifiers). Repeater 8b placed (disposed) between machine monitors 4 (plurality of transceivers) and repeater 8c to transmit a data message from the monitors 4 to command station 6 over wireless communication. Machine monitor 4, repeater 8, and sensor conduct a status poll messages (data message) with the command station 6 as illustrated in Fig. 9, as explained in detail (col. 9, lines 30-60), by using a time-division communication protocol (a predefined communication protocol) (col. 9, lines 18-29). Furthermore, Canada discloses that the identification code (unique identifier) and the sensor data message (sensor data signal) make up a data packet (data message) (col. 18, lines 58-62).

As to claim 2, Canada discloses that communication signals are transmitted using RF (col. 17, lines 6-12).

As to claim 3, Canada discloses minimum power (low power RF communication) transmission level configuration for each transceiver (col. 3, lines 6-7).

Art Unit: 2661

As to claim 5, Canada discloses that monitors 4, repeaters 8 conduct a periodic status poll using a time-division communication protocol (col. 9, lines 18-29).

As to claim 6, Canada discloses that transceivers and repeaters are communicating via a wireless machine monitoring system illustrated in Fig. 1.

As to claim 7, Canada discloses that repeater 8c (transceiver) comprises repeater 8b as illustrated in Fig. 8.

As to claim 8, Canada discloses a data payload and a checksum field (col. 18, lines 36-42).

As to claim 11, Canada discloses a wireless machine monitoring system illustrated in Fig. 1 (automated monitoring system for monitoring and controlling a plurality of remote devices) (col. 2, lines 58-52). The system includes programmable transceiver devices which (plurality of transceivers) (col. 2, line 50). Unique identifying code information (unique identifiers) is included in devices during system setup or when adding new devices (col. 13, lines 13-45). As Canada illustrates in Fig. 1, command station 6, includes a transceiver configured to communicate with machine monitor 4 (transceivers configured for communication with one of the plurality of remote devices) (col. 13, lines 13-45). Canada teaches how a sensor message is transmitted and received by command station 6 for the system in Fig. 1 (a wireless communication network) (col. 9, lines 30-60). Monitor 4, repeater 8, and sensor conduct status poll messages (data message) with the command station 6 as illustrated in Fig. 9, as explained in detail (col. 9, lines 30-60), by using a time-division communication protocol (col. 9, lines 18-29). The command station 6 sends out a status request signal to the

Art Unit: 2661

machine monitor 4l, and the machine monitor 4l responds with data (a sensor data signal) during time slice 24 in Fig. 9, which implies that the time slice 24 includes a unique identifier, since it is designated for monitor 4l to respond with data to the command station 6 (col. 9, lines 33-36). Hence, Canada discloses unique identifying code information that is included in devices (repeaters being one of the devices) during system setup (col. 13, lines 13-45); all repeaters in Fig. 1, have unique identifiers. As illustrated in Fig. 8 for functional block diagram for Fig. 1(wireless communication network), repeater 8b is considered as a second transceiver and communicates with repeater 8c, which is also considered as a first transceiver (a plurality of repeaters communicates to one of the plurality of transceivers) (col. 4, lines 27-35) relaying data messages to command station 6 (site controller) through master repeater 8m by using a time-division communication protocol (col. 9, lines 18-29). The command station 6 connects to a PC network 10 (host computer) (col. 10, lines 11-12).

As to claim 12, Canada discloses that communication signals are transmitted using RF (col. 17, lines 6-12).

As to claim 13, Canada discloses (implicitly taught because the use of repeaters in a network suggests that the devices are far apart from the command station, which imply the network is a wide area network).

As to claim 15, Canada discloses command information (command message) from command station 6, to machine monitor 4 and receives data transmitted (response message) from machine monitor 4 to the command station 6 through repeaters 8 (col. 6, lines 58-65).

Art Unit: 2661

As to claim 16, Canada discloses that the sensors or machine monitors (transceivers) (col. 4, lines 32-35) propagate messages through assigned repeaters 8 (one of the plurality of repeaters) to other repeaters (col. 10, lines 41-44).

As to claim 17, Canada discloses a data payload and a checksum field (col. 18, lines 36-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada in view of a well-known art.

As to claims 4 and 14, Canada does not disclose the predefined communication protocol comprises a data packet that comprise a receiver address, a sender address, and a command indicator in detail; but traditionally, a packet header includes a source address so a router knows from where the packet is transmitted, a destination address so a router knows to which router or end point the packet is going to go, and a command indicator that indicates the payload type in the packet. It would have been obvious to one of ordinary skill in the art to combine Canada with a well-known art for the purpose of having a destination address, a source address, and a command indicator field in a header. The motivation is to indicate service type to a network, so

that particular packet gets transmitted from a source to a destination according to the quality of service indicated in a packet header.

Allowable Subject Matter

6. Claims 9,10 and 18,19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zewdu Habte whose telephone number is 571-272-3115. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2661

Zewdu Habte (Zed)
Examiner
Art Unit 2661

ZH

ZH
April 1, 2005


KENNETH VANDERPUYE
PRIMARY EXAMINER